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## CHANGE OF VENUE BY THE STATE

mit such operation to be performed upon such person unless the same shall be a medical necessity, shall be guilty of a misdemeanor.

Section 3. This act shall take effect immediately.

The above law was passed on April 16, 1912, three-fifths being present, and received the approval of the governor.

F. W. ROBERTSON, M. D., New York City.

**Supplemental Report of the Committee on Intermediary or Municipal Court.**—To the president and members of the Pennsylvania Bar Association:

Your committee having filed a report recommending the establishment of a County court for Philadelphia, begs leave to file this supplemental or substitute report.

That, as the resolution creating this committee authorized a full investigation of the conditions in all counties containing cities of the first and second class with regard to the need of an Intermediary or Municipal court, together with the submission of an act of assembly for the creation of such a court, and

As this resolution applied only to Philadelphia, Allegheny and Lackawana counties, and

As Allegheny county now has its County court, and Lackawana county has not expressed any desire for such a court, and

As Philadelphia is the county vitally interested in the report of this committee, and

As the Law Association of Philadelphia has appointed a committee of nine, of which three members of your committee are members, which said committee is to fully investigate the subject and report to the Law Association of Philadelphia not later than December next, your committee therefore recommends the passage of the following resolutions:

1. *Resolved*, That the committee of the Pennsylvania State Bar Association be continued.

2. *Resolved*, That the committee of the Pennsylvania State Bar Association co-operate with the committee of the Law Association in securing such relief as may be found most expedient and desirable for Philadelphia county, and

3. *Resolved*, That the committee of the Pennsylvania State Bar Association shall assist in securing the passage by the legislature of 1913, of such legislation as will be found most expedient and desirable by the Law Association of Philadelphia to secure the relief desired.

Respectfully submitted,

Theodore F. Jenkins, Francis Shunk Brown, William A. Blakeley, Everett Warren, Dunner Beeber, Edwin M. Abbott, Chairman.

**Change of Venue by the State.**—About ten or twelve years ago, Col. Sam N. Wood, one of the early pioneers of prominence in Kansas, was killed in a county seat fight in a sparsely settled western county of the state. So few were the qualified voters, and so well known the facts, and so strong the feeling, that it was not possible to secure an impartial jury in the county to try the case. So the murderer escaped trial. To remedy this gross miscarriage of justice, Senator F. Dumont Smith, in the legislature of 1903, offered a resolution, (Senate Concurrent Resolution No. 8) to amend Section 10 of the bill

## THE PEOPLE'S COURT IN BALTIMORE

of rights of the state constitution, permitting the state to take a change of venue in criminal cases under certain restrictions. It seems from the original records that the resolution passed both houses, properly. But there was some uncertainty as to whether what each house passed was exactly the same resolution—there having been some amendment made during its course. Because of this doubt, the attorney general in 1904 advised the secretary of state not to submit the amendment to the people to vote upon. Accordingly it was not submitted nor voted on. Some years later the committee of the state bar association, on Revision of the Criminal Code and the Crimes Act, favoring change of venue by the state, examined the legislative proceedings of 1903, and believed, in the light of decisions of the Supreme court since the opinion of the attorney general in 1904, that the resolution was properly passed. The attorney general this year presented the Supreme court an application to mandamus the secretary of state to place the amendment on the ballot this fall. The Supreme court, however, on June 8, 1912, decided that the amendment must be voted on in 1904 or not at all; that the constitution's requirement to submit its amendments at "the next election" is mandatory. (*Kansas v. Sessions*, 87 Kans. 497.)  
J. C. RUPPENTHAL, Judge 23rd District, Kansas.

**The People's Court of Baltimore.**—"The magistrate and constable system in Baltimore has been bad largely because both justices and constables have been dependent entirely upon the fee system. Any intelligent measure of reform would, therefore, involve, in the first instance, the substitution of fixed salaries paid by the city for the fees paid by the litigants themselves to officials.

"The new People's court consists of five justices of the peace, appointed by the governor of Maryland from among the body of magistrates appointed by him. This device was adopted in analogy to the prevailing system, by which the police magistrates and the magistrates for juvenile causes had already been appointed. The presiding justice of the people's court will receive an annual salary of \$2500, and the four associate justices will each receive the same salary. All magistrate cases will either be made returnable before the presiding justice or may be removed by any party to the presiding justice whose duty it is to apportion all cases for trial before himself and the associate justices, in such manner as will best expedite their trial and promote the ends of justice.

"All other justices than those of the People's court will receive a salary of \$10, and no more, per annum, for the performance of all civil judicial duties. All fees are required to be paid to the chief constable and by him covered into the treasury of Baltimore. As a consequence, all civil justices cases will inevitably be tried in the People's court. The necessity for resorting to these devices arises out of the fact that the constitution of Maryland seems to provide for not fewer than twenty-four justices of the peace for Baltimore, a considerably greater number than is needed. The payment of adequate salaries to all of those would impose a heavy burden upon the taxpayers. The five justices of the People's court will, it is believed, be able to try all civil magistrate cases.

"The minimum number of constables apparently permitted by the constitution, twenty-four, is provided for in the new law; one of these, the chief constable, with a salary of \$1800, is constituted the clerk of the People's court. Two assistant constables at salaries of \$1200 each compose his office force.